

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

KEVIN HALL, )

Defendant. )

Case No.: 2:14-cr-00321-GMN-NJK-1

**ORDER**

Pending before the Court is Petitioner Kevin Hall's ("Petitioner") Letter, (ECF No. 439), which the Court construes as a Motion for Appointment of Counsel. For the reasons set forth below, Petitioner's Motion for Appointment of Counsel is **DENIED**.

By the instant Motion, Petitioner requests the Court appoint counsel to assist him in his pending Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 ("§ 2255 Motion"). (ECF No. 434). Petitioner argues appointment of counsel is needed for him to adequately respond to the Government's contention his § 2255 Motion is untimely, and articulately present his claim that his conviction should be vacated because Hobbs Act Robbery is not a crime of violence. (Mot. Appoint Counsel at 1).


The Sixth Amendment's right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). An indigent petitioner seeking relief under 28 U.S.C. § 2255 may move the court for appointment of representation to pursue that relief. 18 U.S.C. § 3006(A)(2)(B). The court has discretion to appoint counsel when the interest of justice so requires. 18 U.S.C. § 3006(A)(2). The interest of justice so requires where the complexities of the case are such that denial of counsel would amount to a denial of due process. *See Brown v. United States*, 623 F.2d 54, 61 (9th Cir. 1980).

1 Here, the Court has reviewed the documents and pleadings on file in this matter and  
2 finds that appointment of counsel is not warranted. The issues raised in Petitioner's § 2255 are  
3 not complex, and Petitioner has adequately stated his claims. *United States v. Guzman-*  
4 *Cellabos*, No. 2:14-cr-00183, 2023 WL 2020060, at \*3 (D. Nev. Feb. 14, 2023).

5 Accordingly, **IT IS HEREBY ORDERED** that Petitioner's Motion for Appointment of  
6 Counsel, (ECF No. 439), is **DENIED**.

7 **IT IS FURTHER ORDERED** that Petitioner will be given an additional three weeks to  
8 file a Reply to the Government's Response, (ECF No. 438). Petitioner's Reply is now due by  
9 August 31, 2023.

10 **DATED** this 10 day of August, 2023.

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14 Gloria M. Navarro, District Judge  
15 United States District Court  
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